

**WINCHESTER COMMON COUNCIL SPECIAL MEETING  
TUESDAY, NOVEMBER 26, 2013**

A Special Session of the Winchester Common Council was held on Tuesday, November 26, 2013 in the Council Chambers, Rouss City Hall. President John Willingham called the meeting to order at 6:00 p.m.

**PRESENT:** Councilor Jeff Buettner, Evan Clark and John Hill; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (7)

**ABSENT:** Councilor John Tagnesi and Ben Weber (2)

President Willingham introduced John Huddy as the new Director of the Handley Regional Library.

**2.0 Public Comments:** (Each person will be allowed 3 minutes to address Council)

Carl Ekberg of 527 Jefferson Street spoke in favor of a small, neighborhood school on Jefferson Street. He expressed his concern regarding the new school holding 650 students and that 95% of the students will be brought in by motor vehicle causing a huge influx of traffic on the Jefferson Street corridor and near John Handley High School. For that reason, he is opposed to the location of a 650 student school on upper Jefferson.

***Councilor Ben Weber arrived at 6:05 p.m.***

Larry Gale of 612 South Stewart Street spoke in favor of the proposed building for the Jefferson Street site from a teacher's perspective. The pros for the building included the windows looking out on nature, the possibility for a "green" building, the ties to the Museum of the Shenandoah Valley and the proposed nature trails, the ties and proximity to John Handley High School, and the layout of the school and how it is centered on nature.

Kristy Walker of 115 Academy Lane spoke in favor of the decision made by the School Board for the Jefferson Street site for the new John Kerr and urged Council to support that decision.

Jackie Hott of 680 Seldon Drive spoke in favor of the School Board's unanimous endorsement of the Comprehensive Agreement for the Shockey PP3 and the Jefferson Street site for the new John Kerr Elementary School. She expressed her opinions that the site is a safer location; continues with the community school's mission; supports differentiation which is the educational model for the school system; offers environmentally sound and safe options for the school system and green learning opportunities for the students; connects to the Museum of the Shenandoah Valley, the Green Circle and is in walking distance to Handley High School for collaboration; and meets the criteria set by the School Board. She was

concerned that City Council will not support the School Board's decision and where that would leave the children of Winchester. She asked Council to choose the education of the children over a road and perspective development.

Andrea Koenker of 500 Jefferson Street spoke in opposition of putting the new John Kerr Elementary School on the Meadow Branch site. She stated the issue of the roadway should not be tied to the site selection for the new school. She urged Council to adhere to their own directive given to the School Board to come up with a recommendation and support the decision of the School Board. Failure to do so would result in more delays and expense while the students and faculty soldier on in a building with issues.

Sarah Browning of 415 West Cecil Street spoke in favor of supporting the Shockey Comprehensive Agreement that was unanimously approved by the School Board. If not done, Council will send a very clear message to the School Board that it does not support their decision and will belittle the integrity of the board governance that took place last evening. She urged Council to do what is in the best interest of the school and the community and make this be about the young people and not about a road.

Dan Troup of 808 Buchner Drive spoke in favor of approving the Comprehensive Agreement. He stated the Comprehensive Plan, Economic Development Authority Master Development Plan, Council's Strategic Plan and a report developed by City staff and an outside consultant say the Meadow Branch site is suited for development and not a school. The School Board unanimously adopted and sent to Council the Comprehensive Agreement with Shockey to build the new school on the Jefferson Street site. If this is not approved, Council would seriously undermine not just the School Board but the Planning Commission, the EDA, and most importantly the City staff. Council would lose the support of the Board and Commissions along with the citizens in the John Kerr district plus demoralize the City staff. He asked Council to trust these people because they cannot all be wrong.

Linda Ross of 529 Jefferson Street expressed her concerns that the proposal is for a school twice as large as the current school and the increase in the amount of traffic that will cause. She also asked what the existing school will become and what cost would be involved. She spoke in favor of the Meadow Branch site for the safety, traffic, and infrastructure.

Mike Burton of 524 Jefferson Street stated the traffic increase will be minimal on Jefferson Street due to the short drop off and pick up periods during the day. He asked Council to respect the School Board's decision and their due diligence. It is all about the children. He asked Council to support the agreement.

President Willingham asked if there was anyone else wanting to address Council. Seeing none, he closed the public comments at 6:23 p.m.

### **3.0 EXECUTIVE SESSION**

**3.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) AND (6) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF the ACQUISITION OF AN INTEREST IN REAL PROPERTY AND FOR THE PURPOSE OF DISCUSSION OF THE SUBJECT OF INVESTMENT OF PUBLIC FUNDS WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED**

Vice-President McInturff moved to convene into executive session at 6:24 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Vice-President McInturff moved to reconvene in open session at 7:01 p.m. *The motion was seconded by Vice-Mayor Veach then approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

*A roll call vote was taken, the ayes and nays being recorded as shown below:*

<u>MEMBER</u>	<u>VOTE</u>
Councilor Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-President McInturff	Aye
Mayor Minor	Aye
John Tagnesi	Absent
Vice-Mayor Veach	Aye
Councilor Weber	Aye
President Willingham	Aye

#### **4.0 AGENDA**

**4.1 Consideration of a motion to approve or reject the Comprehensive Agreement for John Kerr Elementary School**

President Willingham asked School Board Chairman John Bishop if the Comprehensive Agreement being voted on was still considered confidential. Mr. Bishop stated the PPEA Code keeps it confidential until it is authorized

which the School Board has taken their action but it has to be further authorized by City Council. Mr. Bishop also stated he was asked to clarify that the vote taken at last night's meeting was about the agreement and no longer about the site. The 8/0 vote meant 8 members voting for the agreement and not that they changed their minds on the site.

Vice-Mayor Veach moved to reject the Comprehensive Agreement recommended by the Winchester Public School Board regarding the location and construction of a new John Kerr Elementary School at the site on Jefferson Street. The motion was seconded by Vice-President McInturff.

Councilor Buettner stated there was an article in the Winchester Star which mentioned a potential conflict of interest that he may have due to some property that he is a minority partner in. He spoke with the City Attorney and received an opinion that no conflict exists so he will vote on this issue and not be swayed one way or the other by a piece of property that is a mile away.

*Vice-Mayor Veach's motion to reject the agreement passed 6/2 with Mayor Minor and Councilor Clark voting in the negative.*

## **5.0 ADJOURNMENT**

Councilor Buettner moved to adjourn the meeting at 7:19 p.m. *The motion was seconded by Councilor Hill then approved 8/0.*

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Kari J. Van Diest, CMC  
Deputy Clerk of the Common Council